

MELINDA L. HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

JOSEPH FAZIOLI (CABN 275564)
Assistant United States Attorney

FILED FOR THE COURT

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5595
Facsimile: (408) 535-5066
joseph.fazioli@usdoj.gov

Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
MELVIN RUSSELL "RUSTY" SHIELDS,
MICHAEL SIMS, and
SAM STAFFORD,
Defendants.

No. CR 12-00410 RMW

STIPULATION AND ~~PROPOSED~~
ORDER SETTING STATUS
CONFERENCE AND EXCLUDING TIME
UNDER THE SPEEDY TRIAL ACT

The defendants in this case made an initial appearance in this matter in federal magistrate courts in San Jose and North Carolina on May 24, 2012. On May 31, 2012 this case was originally set for initial appearance before United States District Judge Lucy H. Koh on July 11, 2012, with time excluded under the Speedy Trial Act. On June 19, 2012, this Court signed a Notice of Related Case ordering the criminal case to be reassigned from Judge Koh to this Court. This Court earlier today on June 19, 2012 issued a clerk's notice setting this matter for initial appearance on August 6, 2012. Defense counsel would like an additional opportunity to review discovery before making an initial appearance in district court and setting future dates in this

STIPULATION AND ~~PROPOSED~~ ORDER
CR 12-00410 RMW

1 case. In light of the above, the parties now jointly request that this matter be set for initial
2 appearance before this Court on September 10, 2012.

3 The parties agree, and the Court finds and holds, as follows:

4 1. The August 6, 2012 initial appearance date is vacated.

5 2. This matter is set before this Court for initial appearance on September 10, 2012 at
6 9:00 a.m. The defendants shall be present for this initial appearance.

7 3. The time between May 31, 2012 and September 10, 2012 is excluded under the
8 Speedy Trial Act. The parties agree that the failure to grant the requested continuance would
9 unreasonably deny defense counsel reasonable time necessary for effective preparation, taking
10 into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree
11 that the ends of justice served by granting the requested continuance outweigh the best interest of
12 the public and the defendant in a speedy trial and in the prompt disposition of criminal cases.
13 See 18 U.S.C. § 3161(h)(8)(A).

14 SO STIPULATED:

15
16 DATED: 7/19/12

/s/
THOMAS NOLAN
Counsel for Defendant Shields

17
18 DATED: 7/20/12

/s/
MANUEL ARAUJO
Counsel for Defendant Sims

19
20
21 DATED: 7/19/12

/s/
GRAHAM ARCHER
Counsel for Defendant Stafford

22
23 DATED: 7/19/12

/s/
JOSEPH FAZIOLI
Assistant United States Attorney

24
25 IT IS SO ORDERED.

26 DATED: 7/19/12


RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE